

## IN THE CLAIMS

Please amend the claims to read as follows:

### Listing of Claims

1-17. (Canceled).

18. (Currently Amended) A transmitting apparatus comprising:

a coding section that encodes a transmit signal and outputs systematic bit data and parity bit data;

an insertion section that inserts a first guard interval in the systematic bit data and inserts a second guard interval in the parity bit data; and

a control section that sets a length of the first guard interval larger than a length of the second guard interval and lengthens the first guard interval or the second guard interval in accordance with an increase in a number of retransmissions of the systematic bit data and the parity bit data.

19. (Canceled).

20. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section lengthens only the first guard interval in accordance with an increase in the number of retransmissions of the systematic bit data and the parity bit data.

21. (Previously Presented) The transmitting apparatus according to claim 18, further comprising an allocation section that allocates the systematic bit data and the parity bit data to different symbols.

22. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section sets the length of the first guard interval and the length of the second guard interval according to delay distribution information.

23. (Previously Presented) The transmitting apparatus according to claim 22, wherein said delay distribution information is transmitted from a communicating party.

24. (Previously Presented) The transmitting apparatus according to claim 22, further comprising a detection section that detects said delay distribution information from a received signal.

25. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section sets the length of the first guard interval and the length of the second guard interval according to a transmission time interval.

26. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section sets the length of the first guard interval and the length of the second guard interval according to a used band.

27. (Previously Presented) The transmitting apparatus according to claim 26, wherein said control section makes the length of the first guard interval and the length of the second guard interval larger in proportion as a ratio of said used band to a band whose use is permitted is smaller.

28. (Previously Presented) The transmitting apparatus according to claim 18, further comprising:

a spreading section that performs spreading processing on the systematic bit data and the parity bit data; and

a multiplexing section that code multiplexes the systematic bit data and the parity bit data subjected to spreading processing,

wherein said insertion section inserts the first guard interval and the second guard interval in the code multiplexed systematic bit data and the parity bit data.

29. (Previously Presented) The transmitting apparatus according to claim 28, wherein a spreading ratio of said spreading section is made "1" and a code multiplexing number of the systematic bit data and the parity bit data is made "1."

30. (Previously Presented) The transmitting apparatus according to claim 18, wherein said control section makes a length of the first guard interval and a length of the second guard interval upon retransmission of the systematic bit data and the parity bit data, an integral multiple of a length of the first guard interval and a length of the second guard interval upon first transmission of the systematic bit data and the parity bit data.

31. (Currently Amended) A base station apparatus comprising a ~~the~~ transmitting apparatus according to claim 18.

32. (Currently Amended) A communication terminal apparatus comprising a ~~the~~ transmitting apparatus according to claim 18.

33. (Currently Amended) A guard interval setting method comprising:

- a step of encoding ~~coding~~ a transmit signal and outputting systematic bit data and parity bit data;
- a step of inserting a first guard interval in the systematic bit data and inserting a second guard interval in the parity bit data; and
- a step of setting a length of the first guard interval larger than a length of the second guard interval and lengthening the first guard interval or the second guard interval in accordance with an increase in a number of retransmissions of the systematic bit data and the parity bit data.